

## WARREN COUNTY BOARD OF SUPERVISORS

### COMMITTEE: SUPPORT SERVICES - BOARD OF ELECTIONS

**DATE:**           **NOVEMBER 29, 2007**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS    SHEEHAN  
                      MONROE  
                      MASON  
                      GABRIELS  
                      VANNESS  
                      GERGHTY

**OTHERS PRESENT:**

REPRESENTING THE BOARD OF ELECTIONS:

MARY BETH CASEY - COMMISSIONER  
WILLIAM MONTFORT - COMMISSIONER  
JOAN SADY, CLERK OF THE BOARD  
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF  
ADMINISTRATIVE & FISCAL SERVICES

SUPERVISORS    KENNY

SOKOL

**COMMITTEE MEMBER ABSENT:**

SUPERVISOR    GIRARD

ROB METTHE, DIRECTOR OF INFORMATION TECHNOLOGY  
KATY GOODMAN, SECRETARY TO THE CLERK

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Mr. Sheehan called the meeting of the Support Services Committee to order at 10:04 a.m.

Motion was made by Mr. VanNess, seconded by Mr. Geraghty and carried unanimously to approve the minutes from the November 1, 2007 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Mary Beth Casey, Commissioner of the Board of Elections, who distributed copies of the agenda to the Committee member. *A copy of the agenda is on file with the minutes.*

Referring to an issue at a prior Committee meeting with respect to a dispute in the availability of funding, Ms. Casey began by noting that the agenda included a copy of an email forwarded to the Committee members, as well as Hal Payne, Commissioner of Administrative & Fiscal Services, and Julie Pacyna, Purchasing Agent. She advised that the email explained that in preparing for the meeting she had reviewed the 2007 Budget information packets and found that the items in question had been computer related and not generic equipment/furniture as they had initially thought. Ms. Casey said that the request for equipment/furniture approved in the 2007 Budget was for items identified as computer and server specific; Ms. Casey added that they had been able to purchase the server with funds remaining in the 2006 Budget so the need was met after the Budget process but before the end of the 2006 fiscal year. Ms. Casey stated that they apologized for the error and she advised that they had deleted this as an approved item for purchase in 2007.

Mr. Sheehan replied that the apology was appreciated and accepted.

Mr. Mason entered the meeting at 10:05 a.m.

Proceeding with the agenda review, Ms. Casey advised that they would begin with the Pending Items section, the first of which referred to implementations of a full charge-back of elections costs to the City/Towns of Warren County. She said that this item was not discussed previous to the 2007 Budget session and it was her feeling that, unless the Committee decided otherwise, they should remove this item from the listing because it was not accepted in a positive fashion. Ms. Casey added that if the Committee desired they could revisit this item for discussion in 2008 prior to the 2009 Budget process.

Mr. Geraghty stated that the elections were held on both a State and Federal level so the taxpayer was

contributing for these costs regardless of whether the fees were assessed by the County or by the individual Towns. He added that he thought it would be more sensible to account for these costs through County taxes, allowing for the total to be broken down amongst the entire County population, rather than increasing Town Budgets individually. Mr. Geraghty advised that regardless of the decision made, no action could be taken until they began the 2009 Budget process because the 2008 Budget had already been adopted.

Mr. VanNess said he agreed with Mr. Geraghty's statements, and he noted that if they chose to continue to pay for elections costs at the County level, they would have to be understanding when the Commissioners of the Board of Elections requested Budget increases commensurate to these costs for 2009 in light of the costs for the new voting machines required by the State.

Mr. Mason asked how the elections costs would be assessed if they chose to charge them to the Towns and Ms. Casey replied that they would be charged according to election districts as that was how costs were generated.

Discussion ensued.

It was the consensus of the Committee that this item should be removed from the listing of pending items for the time being.

Moving along, Ms. Casey advised that the second pending item listed referred to the status of the State Legislation to change the law that would ban lever action voting machines effective September 1, 2007. She stated that the State Legislature had moved on this item, leaving the deadline open ended as to when the lever action voting machines would be officially banned in the State of New York. Ms. Casey apprised that the State was currently involved in litigation with the Department of Justice because the State of New York had not acted quickly enough as per the Federal requirement to comply with the elimination of lever action voting machines in 2004. She said that an extension allowing for use of the lever voting machines had been granted until 2008 had been given; however, she said, the Department of Justice was very unhappy with the issue because the State of New York was the only one, out of all 50 States, that was not in compliance with this regulation.

Ms. Casey apprised that although there were Federally approved elections machines available which met all Federal standards, they did not meet those of the State of New York. She added that the State had created such stringent standards that there was not a voting machine in existence that met them and neither was there any laboratory able to test to the standards imposed. Ms. Casey said that meetings with the Department of Justice were ongoing, and she noted that an upcoming meeting was scheduled for the following week in Syracuse, to include the Elections Commissioner Association. She apprised that this meeting was necessary as the Department of Justice had requested that the Association develop a briefing on what they felt could reasonably be implemented in 2008 for consideration in the Judge's determination and orders, which would be revealed on or around December 15<sup>th</sup>.

Meetings with representatives of the Federal Judge who would be making a decision in the case had been held, Ms. Casey advised, during which implications were revealed that the State might be given an extension through February of 2008, although there would be mandatory changes imposed for the September and November elections later that year. She stated that the Elections Commissioners were in favor of a decision being made in the near future because a considerable amount of training and effort was needed for each election. Ms. Casey added that if two New York candidates, such as Hilary Rodham Clinton and Rudolph Giuliani, ran as the primary candidates in the Presidential Elections, it would make the State of New York

a major player. She noted that this had not occurred in many years, and there was the potential for many resulting problems. Ms. Casey advised that in an effort to prepare for these issues, they would begin extensively documenting every action taken by the Department in preparation for the 2008 Elections. She added that in the event that the information became the subject of a FOIL (Freedom of Information Law) request, it would be readily available through this preparation. Ms. Casey said that although such records had always been kept, they were going to be intensified.

Mr. Mason asked if there was any way that the Elections Commissioner Association might have clout in designing a machine to the New York State standards for handicapped voters. Ms. Casey replied that when the HAVA (Help Americans Vote Act) was established, the Governor of New York had created a task force that included the disabled community as well as several public interest groups and the League of Women Voters as the Standards Committee to determine what was desired in a voting machine for the citizens of the State of New York. She said that this process had taken approximately 14 months and had then been presented to the State Board of Elections where a Public Hearing was held. Ms. Casey stated that this had grown into a four-year process that they were still embroiled in.

Mr. Gabriels entered the meeting at 10:17 a.m.

Mr. Mason reminded the Committee that the State of New York was the only one that had not embraced a Federally approved voting machine and Mr. Montfort pointed out that many of the States that had rushed to comply with the Federal regulation were now experiencing issues with the machines rashly chosen.

Discussion ensued.

Mr. VanNess stated that one of his main concerns was the possibility of the State jeopardizing the \$200 million in Federal HAVA funding promised for the purchase of new voting machines if the State did not comply with the Federal regulations. Ms. Casey replied that based on conversations with the Department of Justice, their theory was that they had provided the money for the purchase of voting machines meeting Federal standards, but not necessarily New York State standards. She added that the implication had been that the Counties might have to use the funding provided to purchase voting machines meeting Federal Standards regardless of those instituted by the State. Ms. Casey advised that the dilemma that the Commissioners would have, and were trying to promote to the Department of Justice, was that although this might be acceptable in 2008 based on the order of a Federal Judge, the State might decide in the following year that the machines were not acceptable for State standards, requiring that new machines be purchased to meet State standards. Mr. VanNess asked if the State law superceded Federal Law and Ms. Casey replied that this was an issue that might end up being decided in Court.

Discussion ensued with respect to the matter.

Mr. Sheehan stated that although it seemed there was nothing the Committee could do to resolve the matter at this juncture, he appreciated the update.

Messrs. Kenny and Sokol entered the meeting at 10:21 a.m.

Resuming the agenda review, Ms. Casey proceeded with the New Business section of the agenda. As the first item listed (*Department of Justice details for the 2008 Elections*), had already been discussed, she moved on to the final agenda item which was a request to use the leftover funds from the 2007 Budget to purchase office equipment and furniture at State contract pricing. Ms. Casey apprised that the agenda

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included quotations from Charlie's Office Furniture, Inc., which was a State contract vendor, for new furniture in both her's and Mr. Montfort's offices.

Ms. Casey advised that a copy of the Budget Performance Report was also included in the agenda and she pointed out that when they had developed the 2007 Budget, they had done so not knowing what funding would be required to change over to the new live database instituted by New York State. Therefore, she noted, the costs had been overestimated leaving leftover funding in their Contracts code to make these purchases. She added that there was also unexpended funds in the Budget from the server that was Budgeted for 2007 but purchased with funds from the 2006 Budget.

Mr. Geraghty asked if the New York State Polling Access Improvement revenue was going to be received and Ms. Casey replied affirmatively. Mr. Montfort expounded that once the paid receipts for the improvements were received he would submit them to receive these revenues.

Mr. Mason asked if the furniture purchases requested could be funded at no additional costs to the County and Ms. Casey replied that the funds were available within the existing 2007 Budget. She explained that a portion of the funds were leftover from a purchase approved in the 2007 Budget, which was not ever made because the server they required was funded by unexpended monies from the 2006 Budget and they were able to use computers donated by ACC (Adirondack Community College) rather than purchasing new ones.

Mr. VanNess asked if a transfer of funds was necessary to expend the funds for the furniture purchase and Ms. Casey replied in the negative, explaining that the leftover funds were already within the Furniture/Equipment code in the 2007 Budget.

Mr. Sheehan stated that Mr. Payne, nor the Budget Officer, were present to explain that they had been trying to save funds to return to the General Fund when reviewing each Department Budget request for 2008. He said that he wanted everyone to be aware of these issues before making their decision.

Mr. VanNess asked how much funding was leftover from the amount budgeted to facilitate the new database administered by the State and Ms. Casey replied that \$38,292 had gone unused as the State had absorbed the majority of the costs. He then asked what the total was for the furniture purchases and Ms. Casey advised that the would total approximately \$8,600.

Mr. Geraghty stated that although he was not objective to the furniture purchases, he did not feel that the funds needed to be used solely because they were not expended in 2007. He said that in fairness to Mr. Payne and Mr. Caimano, during the Budget process they had been seeking ways to increase the General Fund surplus by reducing Budgets and returning unused monies. Mr. Geraghty agreed that the furniture was needed; however, he said, he wanted to caution all Department Heads that just because their Budget Codes might reflect leftover funds, it did not mean that they needed to find a way to spend them.

Mr. VanNess stated that in reviewing the Budget Performance Report it appeared that close to \$46,000 from the 2007 Budget had gone unused and if they approved the expenditure of \$8,600 for the furniture purchases, they could still return approximately \$38,000 to the General Fund.

Discussion ensued.

Mr. Gabriels noted that much of the furniture used by the County, including the items located in the Board Room, were old but still in good and usable condition and he asked why new furniture was necessary for the

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Board of Elections. Mr. Montfort replied that the furniture requested was primarily for filing purposes. Mr. VanNess stated that he had visited the offices of the Board of Elections and could attest to the fact that additional filing space was necessary.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously to approve the request for furniture purchases as outlined above.

Privilege of the floor was extended to Joan Sady, Clerk of the Board, who presented a request to fill the vacant position of Legislative Office Specialist, with a base salary of \$30,667, due to promotion. She noted that although the promotion would not be effective until January 1<sup>st</sup> and she planned on filling the position later in the same month; however, she said, she was requesting permission to proceed as this would be the last Committee meeting prior to that time. Mrs. Sady reminded the Committee that, as discussed at a prior meeting, Katy Goodman, Secretary to the Clerk, would be retiring in January and her position would be eliminated, causing the need for an additional position to be filled.

Motion was made by Mr. VanNess, seconded by Mr. Mason and carried unanimously to approve the request fo fill the vacant position of Legislative Office Specialist as outlined above and refer same to the Personnel Committee. *A copy of the request is on file with the minutes.*

Mr. Gabriels stated that a great deal of appreciation was owed to Katy for her longstanding service to the County and the Committee members agreed.

As there was no further business to come before the Committee, on motion made by Mr. Mason and seconded by Mr. VanNess, Mr. Sheehan adjourned the meeting at 10:30 a.m.

Respectfully submitted,  
Katy Goodman, Secretary to the Clerk  
*Typed by Amanda Allen, Legislative Office Specialist*